



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,116	09/29/2000	Andrew M. Volk	10559-162001/P8246	2027

20985 7590 06/19/2003  
FISH & RICHARDSON, PC  
4350 LA JOLLA VILLAGE DRIVE  
SUITE 500  
SAN DIEGO, CA 92122

EXAMINER

LUU, AN T

ART UNIT PAPER NUMBER

2816

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/677,116

Applicant(s)

VOLK ET AL.

Examiner

An T. Luu

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-15, 20-23 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-30 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 15 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 11-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-10, 15 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by the Wong et al. reference (U.S. Patent 6,407,591).

Wong discloses in figure 2 an apparatus for carrying out a method of receiving an input clock signal XXCLK0 representing either single-ended or differential clock signal; determining whether the input clock signal is single-ended or differential clock signal (circuit 201 and associated description, col. 2, lines 19-38); and automatically generating an output clock signal (output of 217) based on the determination as required by claim 1.

As to claim 2, column 3, lines 15-28 and 50-57, discloses the output of MUX 217 being a single-ended output clock signal when the input clock signal XXCLK0 is determined to be a differential clock signal.

As to claim 3, it is inherent that the generated output clock signal has the same frequency as the input clock signal because element 217 is a multiplex which is controlled or programmed to pass a selective signal input.

Art Unit: 2816

As to claim 4, the scope of claim is similar to that of claim 1. Therefore, it is rejected for the same reason set forth above. It is noted that column 1, lines 47-51, indicates XXCLK0 being a single-ended clock signal and XXCLKREF being a ground potential.

As to claims 5 and 7, the scopes of claims are similar to that of claim 2. Therefore, they are rejected for the same reason set forth above.

As to claim 8, the scope of claim is similar to that of claim 3. Therefore, it is rejected for the same reason set forth above.

As to claim 9, figure 2 discloses an apparatus comprising a first terminal to receive a first channel of a clock input signal XXCLK0; a second terminal to receive a second channel of the clock input signal XXCLKREF; and a detector (207a, 209a and 219) to receive the second channel of the clock input signal, wherein the detector is configured to output a clock mode signal (output of 219) as a function of a voltage potential of the second channel of the clock signal (col. 3, lines 15-28 and 50-57) as required by claim.

As to claim 10, figure 2 discloses an apparatus comprising a first terminal to receive a first channel of a clock input signal XXCLK0; a second terminal to receive a second channel of the clock input signal XXCLKREF; a detector (207a, 209a and 219) to receive the second channel of the clock input signal, wherein the detector is configured to output a clock mode signal (output of 219) as a function of a voltage potential of the second channel of the clock signal (col. 3, lines 15-28 and 50-57); a first circuit 107 coupled to the first terminal to generate a first single-ended clock signal of the same frequency as the first clock input signal (col. 3, lines 50-57); a second circuit 205 coupled to the first terminal and to the second terminal to generate a second single-ended clock signal of the same frequency as the first clock input signal (col. 2,

Art Unit: 2816

lines 27-63); and a selector 217 configured to select the first or the second single-ended clock signal based upon the clock mode signal.

As to claim 15, the selector 217 in figure 2 is a MUX.

As to claim 20, the scope of claim is similar to that of claim 1. Therefore, it is rejected for the same reason set forth above.

As to claim 21, the scope of claim is similar to that of claim 10. Therefore, it is rejected for the same reason set forth above.

As to claim 22, the scope of claim is similar to that of claim 4. Therefore, it is rejected for the same reason set forth above.

As to claim 23, the scope of claim is similar to that of claim 7. Therefore, it is rejected for the same reason set forth above.

#### *Allowable Subject Matter*

3. Claims 27-30 are allowed.

4. Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose an apparatus and/or method thereof comprising elements being configured as required by claims. Specifically, none of the prior art discloses *a clock generator* as required by claim 11; and *an electronic device* as required by claims 27-30.

Art Unit: 2816


*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to An T. Luu whose telephone number is 703-308-4922. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 703-308-4876. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

An T. Luu   
6-11-2003

  
TIMOTHY P. CALLAHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800